

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD CLARK, JR.,

Defendant.

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8:08CR320

ORDER

This matter is before the court on the motion of First Assistant Federal Public Defender Shannon P. O'Connor and the Office of the Federal Public Defender to withdraw as counsel for the defendant, Donald Clark, Jr. (Clark) (Filing No. 15). Mr. O'Connor represents he has a conflict of interest in this matter as he recently determined he represents another person who may have an adverse interest to that of Clark. Mr. O'Connor's and the Office of the Federal Public Defender's motion to withdraw (Filing No. 15) is granted. Matthew M. Munderloh, P.O. Box 62, Oakland, NE 68045, (402) 685-5647, is appointed to represent Clark for the balance of these proceedings pursuant to the Criminal Justice Act. Mr. O'Connor shall forthwith provide Mr. Munderloh with the discovery materials provided the defendant by the government and such other materials obtained by Mr. O'Connor which are material to Clark's defense.

The clerk shall provide a copy of this order to Mr. Munderloh, and he shall file his appearance forthwith.

Clark will be given **until February 23, 2009**, in which to file any pretrial motions in accordance with the progression order (Filing No. 10). The ends of justice have been served by granting such additional time to file pretrial motions and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting such time, i.e., the time between **February 3, 2009 and February 23, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage

of justice. 18 U.S.C. § 3161(h)(8)(A) & (B). The trial of this matter will be rescheduled following the disposition of any pretrial motions or the expiration of the pretrial motion deadline.

IT IS SO ORDERED.

DATED this 3rd day of February, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge